

# CITY COUNCIL MINUTES



**MEDFORD**  
CITY COUNCIL

**November 7, 2019**

6:00 P.M.

Medford City Hall, Council Chambers

411 W. 8<sup>th</sup> Street, Medford, Oregon

---

The regular meeting of the Medford City Council was called to order at 6:00 p.m. in the Medford City Hall Council Chambers on the above date with the following members and staff present:

Mayor Gary Wheeler; Councilmembers Clay Bearnson, Kay Brooks (arrived at 6:57 p.m.), Tim D'Alessandro (left at 8:36 p.m.), Dick Gordon (left at 7:55 p.m. and returned at 7:58 p.m.), Alex Poythress (left at 6:40 p.m. and returned at 6:46 p.m.), Eric Stark, Kevin Stine, Michael Zarosinski; Acting City Manager Ryan Martin; Deputy City Attorney Eric Mitton; Deputy City Recorder Winnie Shepard

**20. Recognitions, Community Group Reports**

**20.1 Recognitions**

Communications Manager Kristina Wilson explained the activities of the first Citizens Academy. CJ McPhail spoke to Council about the benefits of the experience.

**20.2 Community Group Reports**

Jane Sawall and Stacey Stover provided a report of the Medford Alba Sister City Committee's activities. They provided photos and information regarding their recent trip to Alba and provided tentative dates for events for 2020.

**30. Oral Requests and Communications from the Audience**

30.1 Meesha Blair and Caren Caldwell, National Association of Mental Illness of Southern Oregon, requested various mental health services within the Jackson County Jail. Ms. Blair advised that the organization would support the new jail if various mental health services were provided.

30.2 Bob Strosser, Jackson County Commissioner, outlined multiple reasons the City Council should support a new jail. He noted the impact of mental health issues and drug use on the criminal justice system and the need for increased beds to house inmates.

Mr. Strosser advised he now oversees the Health and Human Services in Jackson County.

**40. Approval or Correction of the Minutes of the October 17, 2019 Regular Meeting**

There being no additions or corrections, the minutes were approved as presented.

**50. Consent Calendar**

**50.1 COUNCIL BILL 2019-113**

An ordinance awarding a contract in an amount of \$166,830 to Greenshine for the purchase of 67 solar-powered lights.

**50.2 COUNCIL BILL 2019-114**

A resolution adopting a revised investment policy for the City of Medford.

Motion: Approve the consent calendar.

Moved by: Tim D'Alessandro

Seconded by: Kevin Stine

Roll call: Councilmembers Bearnson, D'Alessandro, Gordon, Poythress, Stark, Stine, and Zarosinski voting yes.

Council Bills 2019-113 and 2019-114 were duly adopted.

**60. Items Removed from Consent Calendar**

**50.3 COUNCIL BILL 2019-115**

An ordinance authorizing execution of a Voluntary Collection Agreement with Airbnb pertaining to remittance of Transient Lodging Taxes.

Councilmember Stine requested more information. Acting City Manager Ryan Martin explained that Airbnb was willing to enter into a voluntary agreement for the collection of Medford's transient lodging tax. Airbnb will not collect or remit the tax without this agreement or a revision to the City's Charter.

Councilmember Gordon questioned Airbnb's reasoning, whether Airbnb was paying the state's transient lodging tax and why state law often takes precedence over the City's Charter. Mr. Martin and Deputy City Attorney Eric Mitton explained that the Charter requires the operator of transient lodging facility to collect and pay the tax. Airbnb did not believe the word "operator" met the criteria for their collection of the transient lodging tax. Mr. Martin believed Airbnb was paying their state transient lodging tax.

Motion: Approve the ordinance.

Moved by: Kevin Stine

Seconded by: Tim D'Alessandro

Roll call: Councilmembers Bearnson, D'Alessandro, Gordon, Poythress, Stark, Stine, and Zarosinski voting yes.

Council Bill 2019-115 was duly adopted.

**70. Ordinances and Resolutions**

None.

**80. Public Hearings**

**80.1 COUNCIL BILL 2019-116**

An ordinance amending Sections 4.326, 4.405, 4.763, 4.1200, and 4.1202 of the Medford Municipal Code pertaining to utility fees for mobile food vendors.

Controller Lorraine Peterson provided a staff report. On September 19, 2019, the Council approved a mobile food vendor Code amendment which impacts the utility fees. Staff was proposing a Code amendment to assess a flat-rate utility fee for mobile food vendors effective January 1, 2020 to be consistent with the fees charged to brick and mortar businesses.

Council extensively discussed the proposal. Food vendors using City sewer, would pay a different amount than mobile food vendors that did not. Business license fees did not include utility fees. Councilmember D'Alessandro questioned whether staff contacted other cities regarding this topic; Ms. Peterson responded that Beaverton and Corvallis do charge fees which are similar to Medford's utility fees. Staff recommended the fees, as City code requires business units or a tenant renting a space to pay utility fees. Council requested a study session to discuss this topic.

Public hearing opened.

No one spoke.

Public hearing closed.

Councilmember Stine noted that implementation of this plan would collect approximately \$6,000 and suggested adding a fee to business licenses.

Motion: Approve 4.326, 4.405, 4.763, 4.1200, and 4.1202 of the Medford Municipal Code pertaining to utility fees for mobile food vendors effective January 1, 2020 and other clarification language effective immediately.

Moved by: Michael Zarosinski

Seconded by: Tim D'Alessandro

Councilmember Zarosinski believed this fee was equitable for all businesses. Councilmember D'Alessandro agreed to a fee, but recommended that it was attached to their business licenses.

Councilmember Stark outlined his concerns about the different types of fees.

Amended motion: Approve 4.405(c) and table and further review the proposed Code amendments relating to the other utility fees.

Moved by: Eric Stark

Seconded by: Clay Bearnson

**Medford City Council Minutes**  
**November 7, 2019**

---

Councilmember Bearnson recommended assessing the fee to the business licenses and voiced concerns about assessing a fee when businesses were not operating.

Councilmember Gordon stated he would vote no on the amendment. He noted that mobile food vendors don't pay property tax, may not pay personal property tax, and a sliding scale based upon their open hours was not an option for the brick and mortar businesses. Councilmember Stine stated he would vote no, based on the limited staff expense to set up these accounts. Mayor Wheeler agreed with Councilmembers Gordon and Stine and outlined various reasons that mobile food vendors should pay utility fees like other businesses.

Councilmember Poythress cautioned the Council that raising fees may discourage mobile food vendors and noted there was no quantifiable information to justify these fees.

Council discussed the proposed fees. Ms. Peterson clarified that \$27.22 is the fee excluding sewer. The sewer fee alone is \$24.66.

Roll call on amendment: Councilmembers Bearnson, D'Alessandro, Stark voting yes; Councilmembers Brooks, Gordon, Poythress, Stine and Zarosinski voting no.  
Motion failed.

Roll call: Councilmembers Gordon, Stine and Zarosinski voting yes; Councilmembers Bearnson, Brooks, D'Alessandro, Poythress and Stark voting no.  
Motion failed.

Councilmember Brooks requested additional information supporting the fees during a study session. Councilmember Stine suggested approving the housekeeping amendments.

Motion: Adopt the housekeeping portions.

Moved by: Clay Bearnson

Seconded by: Kevin Stine

Ms. Peterson clarified that Councilmember Bearnson was referring to 4.326 allowing the use of portable toilets, 4.1202(7) addressing the discount the annual billing plan; and 4.405(c) establishing the sewer fees for semi-permanent pods.

Roll call: Councilmembers Bearnson, D'Alessandro, Gordon, Poythress, Stark, Stine, and Zarosinski voting yes; Councilmember Brooks voting no.  
Motion carried and so ordered.

Council discussed holding a study session to discuss this topic.



Motion: Direct staff that at the most appropriate and earliest time possible to review the fee options for mobile food vendors.

Moved by: Michael Zarosinski

Seconded by: Dick Gordon

Roll call: Councilmembers Bearnson, Brooks, D'Alessandro, Gordon, Poythress, Stark, Stine and Zarosinski voting yes.

Motion carried and so ordered.

## **80.2 COUNCIL BILL 2019-117**

An ordinance vacating a portion of excess rights-of-way on Foothill Road, Normil Terrace, and High Cedars Lane, a Public Utility Easement and Reserve Strips in High Cedars Landing, Phases 5B, 6B, and 7B, within the SFR-4 (Single-Family Residential, four dwelling units per gross acre) zoning district. (SV 19-045) Land Use, Quasi-Judicial

Assistant Planning Director Kelly Evans provided information on the proposed property to be vacated.

Councilmember Gordon clarified that the Foothill Road property was purchased by the City and that money would need to be repaid. He questioned whether the land would be needed when Foothill is widened; Ms. Evans advised that staff reviewed that issue and this land could not be used due to the topography.

Councilmember Gordon recalled that Normil Terrace's expansion was intended to create a four-way stop. He advised that residents of Normil Terrace contacted him with concerns when the property transitioned into the City. Ms. Evans advised that intersection improvements would not resolve the situation east of Foothills. She believed that Public Works planned a connection to the east, down to Lone Pine, because the concerns were with the switchbacks along Normil Terrace.

Public Works Director Cory Crebbin confirmed that the solution will not be on Foothill Road. Public Works preferred that connections do not occur along the major thoroughfares.

Public hearing opened.

Mayor Wheeler requested ex parte communications and noted Councilmember Gordon's previous statement about contact from Normil Terrace residents. No other Councilmember advised of ex parte contact.

Gary Howorth, Normil Terrace resident, requested more information on the impact on Normil Terrace, east of Foothill.

Mike Savage, CSA Planning, spoke on behalf of the land owner, Cedar Landing LLC. He noted the matter was approved through the Planning Commission and that no objections were received during the land use hearing.

Public hearing closed.

Motion: Approve the ordinance.

Moved by: Tim D'Alessandro

Seconded by: Kevin Stine

Roll call: Councilmembers Bearnson, Brooks, D'Alessandro, Gordon, Poythress, Stark, Stine and Zarosinski voting yes.

Council Bill 2019-117 was duly adopted.

### **80.3 COUNCIL BILL 2019-118**

A resolution adopting the Housing Opportunity Fund 2019 funding awards.

Housing Advisory Commission member Randy Jones provided background information and reasoning behind the recommendations. Six proposals were considered. The Commission recommended an award of \$150,000 to Hearts with a Mission. The funding would provide 12 beds for homeless children aged 10 to 17. The second recommendation was to provide \$250,000 toward ColumbiaCare's Veteran housing project on Stewart Avenue in Medford.

Councilmember Stark requested what percentage of the total project would be funded by the City's \$250,000; Councilmember Poythress questioned ColumbiaCare's ability to fund their entire project. Principal Planner Angela Durant advised that the City's contribution would fund approximately 13.58% of the \$1.8 million project. The agency is applying for other grants and loans.

Ms. Durant explained that ColumbiaCare pays the cost of construction and then submits proof of payment to the City for reimbursement. A lien would be placed on the property. She estimated the project would take 12 to 18 months to complete.

Councilmember Brooks questioned whether the City's support of this project would assist future grant funding for agencies with similar projects; Ms. Durant confirmed that City support of projects in alignment with the state's Breaking New Ground program through the Oregon Statewide Housing Plan could benefit local agencies applying for funding.

Public hearing opened.

No one spoke.

Public hearing closed.

Motion: Approve the Resolution.

Moved by: Kevin Stine

Seconded by: Tim D'Alessandro

Councilmember Zarosinski questioned the time period for completion; Ms. Durant estimated the project would take 12 to 18 months. Any extension would require approval from the City Manager or Council.

Roll call: Councilmembers Bearnson, Brooks, D'Alessandro, Gordon, Poythress, Stark, Stine and Zarosinski voting yes.

Council Bill 2019-118 was duly adopted.

**80.4 COUNCIL BILL 2019-119**

An ordinance amending Sections 10.012, 10.314, and 10.337 of the Medford Municipal Code and adding Section 10.825, pertaining to emergency shelters. (DCA 19-004) Land Use, Legislative

Planning Director Matt Brinkley provided the staff report noting the amendment revised the Code for temporary shelters and outlined the process for declaring a severe event. The Planning Commission recommended the adoption of this proposal on October 10, 2019.

Councilmember Stine questioned whether approving this Council Bill only approved the ordinance and not a policy; Mr. Mitton clarified that the policy was to be approved by the City Manager. Mr. Brinkley added that Council input on the policy would be something Council could direct separately, but was not part of this particular agenda item.

Councilmember Stark questioned the typical number of days estimated for a severe weather event; Mr. Brinkley advised that the Council could limit the number of days. He believed that at one point the days were limited to those with extreme temperatures.

Public hearing opened.

On behalf of Chad McComas from Rogue Retreat, Matthew Vorderstrasse supported this Council Bill. He advised that the model created through the Kelly Shelter process is now used as a model locally and statewide.

Meesha Blair, National Association of Mental Illness of Southern Oregon, appreciated the efforts of the City Council to reduce homelessness.

Public hearing closed.

Councilmember Brooks recommended public outreach to local agencies.

Motion: Approve the Ordinance.

Moved by: Kay Brooks

Seconded by: Kevin Stine

Roll call: Councilmembers Bearnson, Brooks, D'Alessandro, Gordon, Poythress, Stark, Stine and Zarosinski voting yes.

Council Bill 2019-119 was duly adopted.

**90. Council Business**

**90.1 Proclamations issued**

Veterans' Day – November 11, 2019

National Holocaust Education Day – November 11, 2019

Mayor Wheeler read the National Holocaust Education Day proclamation. He introduced Rabbi Avi Zwiebel, who invited the Council to an event at the Medford Armory at 6:30 p.m. on Monday November 11, 2019.

Councilmember Bearnson suggested Rabbi Zwiebel provide an invocation at an upcoming meeting; Mayor Wheeler advised Council that of an annual menorah lighting in Vogel Plaza at the end of December.

Out of sequence.

**90.3 Committee Reports and Communications**

a. Council Officers Update

Councilmember D'Alessandro noted that Parks, Recreation and Facilities Director Rich Rosenthal would email Council cost comparisons regarding the proposed aquatics facility and other area pools.

**90.2 Charter Review Committee Selection**

Councilmember D'Alessandro spoke about the Charter Review Committee appointments. He recommended a process similar to the Consent Calendar. Each Councilmember would select one member; a motion would be made; any applicants that received objections would be pulled from consideration for that original motion.

Councilmember Bearnson nominated Daniel Bunn  
Councilmember Brooks nominated Rick Bennett  
Councilmember D'Alessandro nominated Rick Whitlock  
Councilmember Gordon nominated Tim Jackle  
Councilmember Poythress nominated Al Densmore  
Councilmember Stark nominated Greg Jones  
Councilmember Stine nominated John Michaels



Mayor Wheeler nominated Dennie Conrad  
Councilmember Zarosinski nominated Bill Mansfield

Motion: Approve the nine nominated candidates to the Charter Review Committee.  
Moved by: Kevin Stine Seconded by: Dick Gordon

Councilmember D'Alessandro requested objections to the nine candidates. Councilmember Bearnson objected to Tim Jackle; Councilmember Poythress objected to Bill Mansfield. Council voted on the seven members that received no objections.

Roll call: Councilmembers Bearnson, Brooks, D'Alessandro, Gordon, Poythress, Stark, Stine, Mayor Wheeler and Zarosinski voting yes.  
Motion carried and so ordered.

Councilmember D'Alessandro clarified that the seven members were officially appointed. Because two applicants received objections, two positions remained unfilled.

Motion: Appoint Tim Jackle to the Charter Review Committee.  
Moved by: Dick Gordon Seconded by: Michael Zarosinski  
Roll call: Councilmembers D'Alessandro, Gordon, Poythress, Stark, Stine, Mayor Wheeler and Zarosinski voting yes; Councilmembers Bearnson and Brooks voting no.  
Motion carried and so ordered.

Motion: Appoint Maureen Swift to the Charter Review Committee.  
Moved by: Michael Zarosinski Seconded by: Kevin Stine  
Roll call: Councilmembers Bearnson, Brooks, D'Alessandro, Gordon, Poythress, Stark, Stine, Mayor Wheeler and Zarosinski voting yes.  
Motion carried and so ordered.

Council discussed the two Councilmembers to be appointed to the Committee.  
Councilmembers Bearnson and Gordon volunteered to serve.

Motion: Nominate Clay Bearnson and Dick Gordon to serve as Council Liaisons to the Charter Review Committee.  
Moved by: Kevin Stine Seconded by: Michael Zarosinski  
Councilmember Stine requested a voice vote. No objections were received.  
Motion carried and so ordered.

- b. Councilmember D'Alessandro requested clarification from Mr. Crebbin regarding whether the decision to move the Parking Commission under the Transportation Commission should be made at this time; Mr. Crebbin explained that although the

matter was discussed, the Transportation Commission had no quorum to make a formal decision.

- c. Councilmember Stine noted that there were various openings on Boards and Commissions for which the only applicant was a person currently serving in that position.

Motion: Council to not interview Marcy Pierce for the Site Plan and Architectural Commission and Jim Akery, Mark Dew and Marcy Pierce for the Unified Appeal Board.

Moved by: Kevin Stine

Seconded by: Michael Zarosinski

Roll call: Councilmembers Bearnson, Brooks, D'Alessandro, Gordon, Poythress, Stark, Stine and Zarosinski voting yes.

Motion carried and so ordered.

Back in sequence.

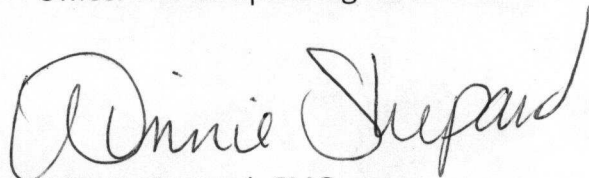
**100. City Manager and Staff Reports**

Mr. Crebbin reported that Congressman Walden's Office contacted the City to advise that the City was awarded a \$15.5 million build grant for the "mega corridor". The funding would be used for improvements on Foothill Road, from Hillcrest to Vilas and a portion of South Stage Road.

**110. Adjournment**

There being no further business, this Council meeting adjourned at 8:41 p.m.

The proceedings of the City Council meeting were recorded and are filed in the City Recorder's Office. The complete agenda of this meeting is filed in the City Recorder's Office.



Winnie Shepard, CMC  
Deputy City Recorder